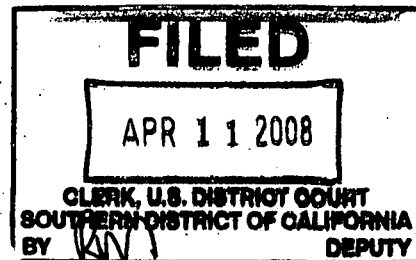


LEONARDO RUIZ MENDEZ
(Name)P.O. BOX # 8504
(Address)COALINGA, CA. 93210
(City, State, Zip)T48606-D-2-223L
(CDC Inmate No.)

United States District Court
Southern District of California

LEONARDO RUIZ MENDEZ

(Enter full name of plaintiff in this action.)

Plaintiff,

v.

L. E. SCRIBNER WARDEN C.S.P.
W. J. PRICE ASSOCIATE WARDEN C.S.P.(A)
J. MUDRA CC III

(Enter full name of each defendant in this action.)

Defendant(s).

 Civil Case No. 07-2299 DMS
 (To be supplied by Court Clerk) (BLM)

**FIRST
AMENDED**
 Complaint Under the
 Civil Rights Act
 42 U.S.C. § 1983

A. Jurisdiction

Jurisdiction is invoked pursuant to 28 U.S.C. § 1343(a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional authority, list them below.

CIVIL RIGHTS AND CONSTITUTION RIGHTS.

B. Parties

1. Plaintiff: This complaint alleges that the civil rights of Plaintiff, LEONARDO RUIZ
 (print Plaintiff's name)
MENDEZ, who presently resides at P.O. BOX 8504
 (mailing address or place of confinement)
COALINGA, CA. 93210 P.V.S.P., were violated by the actions
 of the below named individuals. The actions were directed against Plaintiff at 04-13-2007
04-13-2007
CALPATRIA STATE PRISON on (dates) 04-13-07, and _____
 (institution/place where violation occurred) (Count 1) (Count 2) (Count 3)

2. Defendants: (Attach same information on additional pages if you are naming more than 4 defendants.)

VALLEY

Defendant L.E. SCRIBNER resides in IMPERIAL COUNTY
(name) (County of residence)

and is employed as a WARDEN OF CALIFORNIA STATE PRISON This defendant is sued in
(defendant's position/title (if any))

☒ his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting

under color of law: HIS IS OF THE SECURITY RESPONSABLE, WHO DID
HAVE NOT HAVE OF THE PRISON CONTROL IN THE FACILITY
YARD "D".

Defendant W.J. PRICE resides in IMPERIAL COUNTY
(name) (County of residence)

and is employed as a ASSOCIATE WARDEN This defendant is sued in
(defendant's position/title (if any))

☒ his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting

under color of law: WHO IS THE RESPONSABLE SUPERVISOR OF THE
INMATE'S SECURITY IN THE YARD "D" #2 OF C.S.P.

Defendant CONNECTIONAL OFFICER'S resides in IMPERIAL COUNTY
(name) (County of residence)

and is employed as a CALIFORNIA STATE PRISON This defendant is sued in
(defendant's position/title (if any))

☒ his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting

under color of law: WHOS DONT HAVE ANY CONTROL OF THE YARD
"D", THUS FAR SECURITY MATERIALIZED WHENE THE
INMATE'S OUT ON FACILITY YARD "D" OF PROTECTION.

Defendant _____ resides in _____
(name) (County of residence)

and is employed as a _____ This defendant is sued in
(defendant's position/title (if any))

his/her ☐ individual ☐ official capacity. (Check one or both.) Explain how this defendant was acting

under color of law: _____

C. Causes of Action (You may attach additional pages alleging other causes of action and the facts supporting them if necessary.)

Count 1: The following civil right has been violated: THE INMATE LEONARDO RUIZ
(E.g., right to medical care, access to courts,

MENDEZ T48606 HE HAD NOT ANY PROTECTION, CRUEL UNUSUAL CASTRO
due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Supporting Facts: [Include all facts you consider important to Count 1. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 1.]

1 THE INMATE BY THE NAME LEONARDO RUIZ MENDEZ
2 T48606-D-3-117L, OF 71 YEARS OLD, WITH PREMEDITATION
3 WAS ATTACKED ON FRIDAY APRIL 13-2007, AT APPROX
4 MATELY 13:35 HOURS; WHILE OUT ON THE YARD AT FACI
5 LITY 'D' YARD; HE WAS A VICTIM OF ATTACK, BATTERY
6 WITH PREMEDITATION, WITH USE OF A WEAPON AND
7 ATTEMPT OF MURDER; ATTACKED BY INMATE -
8 GARCIA F16090; THE WEAPON USED CAUSED MULTI
9 TUD CUTS ON THE NECK AND LEFT SIDE OF HEAD
10 AND FACE AND HEARING. THE ASSAULT OCCUR APPROXIMA
11 TELY ABOUT 7 OR 8 SECONDS, WHILE WALKING BY THE
12 BASKETBALL COURT. AFTER THIS ATTACK; THE INMATE
13 LEONARDO RUIZ MENDEZ T48606, WAS WALKING ALON
14 APPROXIMATELY 35 OR 40 YARDS TO WEST CORNER OF THE
15 BUILDING NUMBER FIVE, TO REQUEST FOR MEDICAL
16 ATTENTION; AND THE DOCTOR SEND THE INMATE LEO
17 NARDO RUIZ MENDEZ T48606, TO THE HOSPITAL FOR
18 EMERGENCY SURGERY.-

19 ARGUMENTS, OF THE RISK PHYSICAL HARM TO
20 THE HEALTH - AND UNUSUAL PUNISHMENT. SEE EXHIBIT
21 "F" CIVIL CASE, NUMBER 3:07CV2299 DMS (BLM)
22 3:07CV2299

23 MOTION ALREADY ON FILE (DOCKET #3). DATE 01-15-2008
24 AND DATE 3/5/2008.

involved in this case? ☐ Yes ☒ No.

If your answer is "Yes", describe each suit in the space below. [If more than one, attach additional pages providing the same information as below.]

(a) Parties to the previous lawsuit:

Plaintiffs: LEONARDO RUIZ MENDEZ T48606

Defendants: L. E. SCRIBNER, W. J. PRICE ASSOCIATE WARDEN N.C.S.P.

(b) Name of the court and docket number: UNITED STATE DISTRICT COURT

No. 3-07CV2299,

(c) Disposition: [For example, was the case dismissed, appealed, or still pending?] CIVIL CASE

NO. 3-07CV2299 DMS. (BLM)

(d) Issues raised: DISMISSED ~~EXHIBIT~~ EXHIBIT - B,

"C" AND EXHIBIT "D" REJECTED - AT 01/14/2008

CIVIL CASE No. 3:07CV2299, DOCKET #3. DATE 01/15/2008 AND
03/5/2008. SEE EXHIBITS "B", "C" AND "D"

(e) Approximate date case was filed: 01-15-2008

(f) Approximate date of disposition: 03-5-2008

2. Have you previously sought and exhausted all forms of informal or formal relief from the proper administrative officials regarding the acts alleged in Part C above? [E.g., CDC Inmate/Parolee Appeal Form 602, etc.] ? ☒ Yes ☐ No.

If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No", briefly explain why administrative relief was not sought.

ARE NOT TIME (MISSING TIME AND DATE ON
MOTIONS

E. Request for Relief

Plaintiff requests that this Court grant the following relief:

1. An injunction preventing defendant(s): NOTHING Ø

2. Damages in the sum of \$ 15,000,000.00 FOR THIS DEFENDANT

3. Punitive damages in the sum of \$ _____

4. Other: TO THE WHERE THE COURT WILL BE TO HAVE TO ORDER

F. Demand for Jury Trial

Plaintiff demands a trial by ☒ Jury ☐ Court. (Choose one.)

G. Consent to Magistrate Judge Jurisdiction

In order to insure the just, speedy and inexpensive determination of Section 1983 Prisoner cases filed in this district, the Court has adopted a case assignment involving direct assignment of these cases to magistrate judges to conduct all proceedings including jury or bench trial and the entry of final judgment on consent of all the parties under 28 U.S.C. § 636(c), thus waiving the right to proceed before a district judge. The parties are free to withhold consent without adverse substantive consequences.

The Court encourages parties to utilize this efficient and expeditious program for case resolution due to the trial judge quality of the magistrate judges and to maximize access to the court system in a district where the criminal case loads severely limits the availability of the district judges for trial of civil cases. Consent to a magistrate judge will likely result in an earlier trial date. If you request that a district judge be designated to decide dispositive motions and try your case, a magistrate judge will nevertheless hear and decide all non-dispositive motions and will hear and issue a recommendation to the district judge as to all dispositive motions.

You may consent to have a magistrate judge conduct any and all further proceedings in this case, including trial, and the entry of final judgment by indicating your consent below.

Choose only one of the following:

☐ Plaintiff consents to magistrate judge jurisdiction as set forth above.

OR

☒ Plaintiff requests that a district judge be designated to decide dispositive matters and trial in this case.

03-26-2008
Date

Leonardo Ruiz Mendez
Signature of Plaintiff 748606

5-5

80F

TABLE OF CONTENTS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

~~EXHIBIT "A"~~

COMPLAINT CIVIL RIGHT UNDER
ACT. 42 U.S.C. 1983.

FROM: PAGE "1" TO PAGE "5"

EXHIBIT "B"

ON FACT INCIDENT REPORTED. FROM PAGE 1 TO 7

EXHIBIT "C"

ATTACHMENT SUPPLEMENTAL DOCUMENTS WITH
SUBSTANTIAL ON FACT EVIDENCE AND ATOMITIES.
FROM: PAGE 1 TO PAGE 13. - 13

EXHIBIT "D"

NOTICE OF ELECTRONIC FILING - CASE # 03-07CV2299 AT
03/5/2008 ON DISCREPANCY. -

FROM: PAGE 1 TO 4 AND REJECTED ORDER FROM
PAGE 1 TO 4. -

RESPECTFULLY

DATE SUBMITTED. 03-26-2008

Leonard Ruiz C. Mendez
T48606-

PROOF OF SERVICE BY MAIL

I, LEONARDO RUIZ MENDOZA, declare;

I am at least 18 years of age, and a party / and not a party to the attached herein cause of action. My mailing address is;

PLEASANT VALLEY STATE PRISON
FACILITY D, BUILDING 2, CELL 2232
POST OFFICE BOX 8504
COALINGA CALIFORNIA
93210-8504

On 03-28, 2008, I delivered to prison officials at Pleasant Valley State Prison at the above address the following documents for mailing via the U.S. Postal Service:

1. ORIGINAL AND 4 COPIES FROM 1 TO 5 EXHIBIT A.
2. 4 COPIES EXHIBIT "B" PAGES 1-TO 7.
3. EXHIBIT "C" 1-TO 13-PAGES.
4. EXHIBIT "D" 4 PAGES AND DISCREPANCY 1-4.

In a sealed envelope(s) with postage fully prepaid, addressed to:

1. CLERK OF U.S. DISTRICT COURT ROOM 4290, 800 FRONT STREET
SAN DIEGO, CAL. 92101-8900
2. COPY TO ATTORNEY GENERAL OF JUSTICE - SACRAMENTO
P.O. BOX 944244. SACRAMENTO CA. 94244
3. COPY TO THE INMATE

I declare under penalty of perjury that the foregoing is true and correct.

Executed this ____ day of 03-28, 2008, at Coalinga, California.

Leonardo Ruiz Mendez
Petitioner / Declarant IN PRO PER
T48600

INCIDENT LOG NUMBER
INCIDENT REPORT
TITLE
PAGE 1 TO 7-

EXHIBIT
(B)

CALIPATRIA STATE PRISON
INVESTIGATIVE SERVICES UNIT
CASE REFERRAL TO
IMPERIAL COUNTY DISTRICT ATTORNEY

DATE:	05-31-07	INCIDENT LOG NUMBER	CAL-FDY-07-04-0116
REPORT RECEIVED:	05-09-07	INCIDENT REPORT TITLE	ATTEMPTED MURDER OF INMATE
REPORT DATED:	04-13-07	INMATE NAME & CDC NUMBER:	RUIZ T48606

The above case was evaluated for referral to the Imperial County District Attorney and the following decision was made:

Report returned to involved staff for more data:

Investigation being conducted by Security and Investigations:

X No referral to the District Attorney will be made since:

- There was no significant injury.
- Potential for injury existed, but victim will not testify
- Prima facie evidence exists, but there is insufficient data for other than administrative action.
- Insufficient quantity of drugs for prosecution.
- Problems exist with the chain of evidence.
- Inmate has a long sentence and the most appropriate resolution will be effected via administrative disposition.
- Not a referable offense.
- Does not meet criteria of agreement with District Attorney.
- X Other WAS THE VICTIM OF ATTEMPTED MURDER

 / / , this case was referred to the Imperial County District Attorney.

 On / / , the Investigation Services Unit received written notice that the Imperial County District Attorney rejected / dismissed this case.

 Any pending disciplinary action should be completed at this time and a closure report completed and Forwarded to the Associate Warden-Housing for distribution

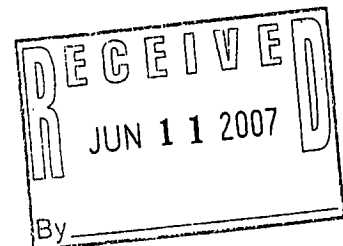
The above is pursuant to revision of the California Code of regulations, Title 15 Section 3316, which allows for discretionary referral of criminal cases.

Any questions may addressed via the Captain, Security and Investigations Unit at extension 5340.

G. Stratton, Lieutenant
Chief Investigator
Investigative Services Unit

Original: Incident Package

cc: AW A/B or C/D
Records
AW Custody
Inmate
Facility Lieutenant



DISTRIBUTION:
WHITE - CENTRAL FILE
BLUE - INMATE (2ND COPY)
GREEN - ASU

CANARY - WARDEN
PINK - HEALTH CARE MGR
GOLDENROD - INMATE (1ST COPY)

INMATE'S NAME
RUIZ

CDC NUMBER
T-48606

REASON(S) FOR PLACEMENT (PART A)

- ☒ PRESENTS AN IMMEDIATE THREAT TO THE SAFETY OF SELF OR OTHERS
☐ JEOPARDIZES INTEGRITY OF AN INVESTIGATION OF ALLEGED SERIOUS MISCONDUCT OR CRIMINAL ACTIVITY
☒ ENDANGERS INSTITUTION SECURITY ☐ UPON RELEASE FROM SEGREGATION, NO BED AVAILABLE IN GENERAL POPULATION

DESCRIPTION OF CIRCUMSTANCES WHICH SUPPORT THE REASON(S) FOR PLACEMENT

On Friday, April 13, 2007 at approximately 1335 hours, Facility 'D' Staff identified you, Inmate **RUIZ**, T-48606, E3-117L, as the victim of a battery with the use of a weapon, causing serious injury, by Inmate **YERENA**, F-20053, and Inmate **GARCIA**, F-16090, on Yard #2 of Facility D. Based on the aforementioned, you are being placed in Administrative Segregation pending Administrative Review for appropriate housing and program needs. As a result of this placement, your Custody Level, Privilege Group, Work Status, and Visiting Status are subject to change. Inmate **RUIZ** is not a participant in the Mental Health Services Delivery System (MHDS) and his G.P.L.is: K.O.

☐ CONTINUED ON ATTACHED PAGE (CHECK IF ADDITIONAL) ☐ IF CONFIDENTIAL INFORMATION USED, DATE OF DISCLOSURE: 1/1

DATE OF ASU PLACEMENT 4/13/07	SEGREGATION AUTHORITY'S PRINTED NAME P. HOPPER	SIGNATURE <i>[Signature]</i>	TITLE LIEUTENANT
DATE NOTICE SERVED 14 Apr 07	TIME SERVED 19:00	PRINTED NAME OF STAFF SERVING ASU PLACEMENT NOTICE J. MARRAS	SIGNATURE <i>[Signature]</i>
<input type="checkbox"/> INMATE REFUSED TO SIGN		INMATE SIGNATURE <i>[Signature]</i>	CDC NUMBER T-48606

ADMINISTRATIVE REVIEW (PART B)

The following to be completed during the initial administrative review by Captain or higher by the first working day following placement

STAFF ASSISTANT (SA)

INVESTIGATIVE EMPLOYEE (IE)

STAFF ASSISTANT NAME	TITLE	INVESTIGATIVE EMPLOYEE'S NAME	TITLE
IS THIS INMATE: LITERATE? <input type="checkbox"/> YES <input type="checkbox"/> NO FLUENT IN ENGLISH? <input type="checkbox"/> YES <input type="checkbox"/> NO ABLE TO COMPREHEND ISSUES? <input type="checkbox"/> YES <input type="checkbox"/> NO FREE OF MENTAL HEALTH SERVICES DELIVERY SYSTEM NEEDS? <input type="checkbox"/> YES <input type="checkbox"/> NO DECLINING FIRST STAFF ASSISTANT ASSIGNED? <input type="checkbox"/> YES <input type="checkbox"/> NO Any "NO" requires SA assignment		EVIDENCE COLLECTION BY IE UNNECESSARY <input type="checkbox"/> YES <input type="checkbox"/> NO DECLINED ANY INVESTIGATIVE EMPLOYEE <input type="checkbox"/> YES <input type="checkbox"/> NO ASU PLACEMENT IS FOR DISCIPLINARY REASONS <input type="checkbox"/> YES <input type="checkbox"/> NO DECLINED 1ST INVESTIGATIVE EMPLOYEE ASSIGNED <input type="checkbox"/> YES <input type="checkbox"/> NO Any "NO" may require IE assignment	
<input type="checkbox"/> NOT ASSIGNED		<input type="checkbox"/> NOT ASSIGNED	

INMATE WAIVERS

- ☐ INMATE WAIVES OR DECLINES INTERVIEW WITH ADMINISTRATIVE REVIEWER ☐ INMATE WAIVES RIGHT TO 72 HOURS PREPARATION TIME
☐ NO WITNESSES REQUESTED BY INMATE

INMATE SIGNATURE *[Signature]* DATE 4/13/07

WITNESSES REQUESTED FOR HEARING

WITNESS' NAME	TITLE/CDC NUMBER	WITNESS' NAME	TITLE/CDC NUMBER
WITNESS' NAME	TITLE/CDC NUMBER	WITNESS' NAME	TITLE/CDC NUMBER

DECISION: ☐ RELEASE TO UNIT/FACILITY ☐ RETAIN PENDING ICC REVIEW ☐ DOUBLE CELL ☐ SINGLE CELL PENDING ICC

REASON FOR DECISION:

ADMINISTRATIVE REVIEWER'S PRINTED NAME	TITLE	DATE OF REVIEW	TIME	ADMINISTRATIVE REVIEWER'S SIGNATURE
CORRECTIONAL ADMINISTRATOR'S PRINTED NAME (if necessary)	CORRECTIONAL ADMINISTRATOR'S CO-SIGNATURE (if necessary)		DATE OF REVIEW	

CDCR NO #: T48606
PS: 36 LEVEL: III
WG/PG: D1D EFF. 04/13/07

NAME: RUIZ
MEPD: 06/20/2014
NEXT ANNUAL: 03/08

HOUSING: A5 125
CUSTODY: MAX R

INITIAL/ANNUAL REVIEW: ANNUAL REVIEW FOR THE PERIOD OF 03/20/06 TO 03/19/07 / PS REDUCED FROM 40 TO 36 / RETAIN ASU PENDING COMPLETION OF INVESTIGATION BY ISU INTO HOUSING CONCERNS / ESTABLISH MAX R CUSTODY & WG/PG D1D EFFECTIVE 04/13/07 / **REFER TO CSR RX A 90 DAY ASU EXTENSION** / DOUBLE CELL APPROVED W/ SNY / ASSIGN WALK ALONE YARD / NO MHSDS, MDO, DDP, OR DPP ISSUES NOTED / RESCHEDULE ICC ON 05/17/07 / C/O R. LIZARRAGA WAS ASSIGNED AS STAFF ASSISTANT DUE TO LIMITED ENGLISH

Inmate Ruiz was screened in person by ICC today for the purpose of an Initial ASU/Annual Review. Staff Assistant C/O R. Lizarraga was assigned due to inmate's Limited English. Inmate was placed in Administrative Segregation Unit (ASU) on 04/13/07 for the offense of being the victim of Attempted Murder and for housing concerns, referenced in Confidential Memorandum dated 04/17/07 authored by E. Delgado, C/Sgt. The 114D interview was conducted on 04/16/07 by M. Hill, FC (A) and was co-signed by C. Butler AW (A) on 04/17/07. The 114D hearing was conducted on 04/19/07 by ICC. Staff Assistant S. Hill, C/O was assigned. Investigative Employee was not assigned. The issues are not complex nor is the Inmate illiterate. His reading GPL is K.0-ESL. Review of the 114D was within time limitations and no witnesses were requested. Committee finds that segregated housing is appropriate and elects to retain Inmate in AD SEG pending completion of investigation by ISU. This Committee also serves as Inmate's Annual Review for the periods of 03/20/06 to 03/19/07. Inmate received 2 periods of Disciplinary Free behavior and no qualifying periods of work. Inmate's placement score is reduced from 40 to 36. Inmate requested Walk Alone Yard since he feels he may be assaulted again. **Committee refers this case to the CSR requesting a 90 Day ASU Extension.** This case is at the Institutional Level for D.A. referral. If inmate is scheduled for court, CAL will be responsible for transportation of Inmate. Case factors remain the same as noted in Initial CDC 128G dated 05/17/02. TB code 32 is noted in CDC 128C dated 12/05/06. Enemies in AD SEG are noted. Committee elects to assign Walk Alone Yard. Inmate's case was reviewed for double cell housing and no pervasive pattern of in cell violence is noted. Inmate is assigned to double cell housing with SNY inmates. CDC 1882 is located in the central file. He was endorsed to CAL-IV General Population on 04/30/02 and endorsed to CAL-IV SNY on 06/15/06. Next BPH Initial is scheduled for 05/2013. Inmate does not meet MDO, DPP or DDP criteria. Inmate is not a participant in the MHSDS. CDC 128-C2 indicates NCF. Confidential information was not used. Inmate is assigned to AD SEG earning status WG/PG D1D effective 04/13/07, custody is changed to MAX R. Inmate was placed on non contact visiting status effective 04/13/07. Inmate was advised he would be rescheduled for ICC on 05/17/07. Inmate actively participated and stated he understood the actions of the Committee. Inmate was advised of his right to appeal and this Committee acts as his first level of appeal. His next Annual Review is 03/08. Inmate had no questions or comments to address to the committee at this time. There are no other pertinent case factors noted. (sjs)


G.J. JANDA, CDW (A)

Chairperson


J. MUDRA, CCII

Recorder

Committee Members: W.J. Price, AW (A); M. Hill, FC (A); J. Kellerman, Asst. C&PR; D. Middleton, M.D.

cc: Counselor, Inmate

Date: 04/19/07

CLASSIFICATION: ICC AD/SEG

INST: CAL-IV

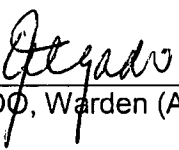
CDCR NO #: T48606
PS: 36 LEVEL: III
WG/PG: D1D EFF. 04/13/07

NAME: RUIZ
MEPD: 06/30/14
NEXT ANNUAL: 03/08


HOUSING: A5 114L
CUSTODY: MAX R

EXCEPTIONAL REVIEW: RETAIN ASU PENDING TX / REAFFIRM MAX R CUSTODY & WG/PG D1D EFFECTIVE 04/13/07 / REFER TO CSR RX TX PVSP-III(SNY)/SATF-III(SNY) / DOUBLE CELL WITH SNY APPROVED / REAFFIRM WALK ALONE YARD / NO MHSDS, MDO, DDP, OR DPP ISSUES NOTED / RESCHEDULE ICC ON 08/09/07 / STAFF ASSISTANT C/O G. DIAZ ASSIGNED DUE TO INMATE'S LIMITED ENGLISH

Inmate Ruiz was screened in person by ICC for the purpose of an Exceptional Review. Staff Assistant C/O G. Diaz was assigned due to inmate's Limited English. Inmate was initially placed in Administrative Segregation Unit (ASU) on 04/13/07 due to being the victim of Attempted Murder as referenced in Confidential Memorandum dated 04/17/07 authored by Sgt. E. Delgado and Confidential Memorandum dated 04/17/07 authored by C/O R. Dominguez. Committee notes the CSR approved a 90 Day ASU Extension on 05/15/07 good through 07/18/07. Based on the nature of the incident of 04/13/07, inmate's presence at CAL-IV(SNY) is deemed a threat to the safety and security of the institution. Committee elects to retain inmate in ASU pending transfer and **refers this case to the CSR requesting transfer PVSP-III(SNY)/SATF-III(SNY)**. Retain MAX R Custody and WG/PG D1D effective 04/13/07. This transfer is non-adverse in nature. WG/PG will revert to A2B effective 05/17/02 and CLO AR Custody upon transfer. Committee acts to reaffirm Walk Alone Yard. Inmate's case was reviewed for double cell housing and no pervasive pattern of in cell violence is noted. Inmate is assigned to double cell housing with SNY. Inmate's reading GPL is ESL. Inmate was endorsed to CAL-IV(SNY) on 06/15/06. Next BPH is scheduled for 05/13. Case factors remain the same as noted in CDC 128G dated 05/17/02. TB Code of 32 is noted in CDC 128C dated 12/05/06. Inmate does not meet MDO, DDP or DPP criteria. Inmate is not a participant in the MHSDS. Inmate was advised he would be rescheduled for ICC on 08/09/07. Inmate actively participated and stated he understood the actions of Committee. Inmate was advised of his right to appeal and that this Committee acts as his first level of appeal. His next Annual Review is scheduled for 03/08. Inmate stated he had no questions or comments to address to the Committee. There are no other pertinent case factors noted. (nbn)


R. DELGADO, Warden (A)

Chairperson


J. KELLERMAN, Asst C&PR Recorder

Committee Members: S. Andersen, AW; R. Din, FC (A); J. Mudra, CCII; J. Magner, Ph.D.

cc: Counselor, Inmate

Date: 05/17/2007

CLASSIFICATION: ICC AD/SEG

INST: CAL-IV

INMATE COPY

(4)

CDC NUMBER F-16090	INMATE'S NAME GARCIA	LOG NUMBER 04-07-D010	INSTITUTION CSP/CAL IV	TODAY'S DATE 6/20/07
<input type="checkbox"/> SUPPLEMENTAL	<input checked="" type="checkbox"/> CONTINUATION OF:	<input type="checkbox"/> 115 CIRCUMSTANCES	<input type="checkbox"/> HEARING	<input checked="" type="checkbox"/> IE REPORT
<input type="checkbox"/> OTHER _____				

WITNESS #9 STATEMENT: The following questions were asked to Inmate RUIZ, T-48606, per Inmate GARCIA's request:

- Q #1): "What would be the motive for such a groozem assault?" *More was the intention of Garcia, F-16090, over subject pertaining to Inmate Pictures of Garcia, F-16090 - transaction toward Payment returned to Ruiz, T-48606 of Donation to said Pictures!*
- Q #2): "Did you see you attacker?" *Yes, Inmate Garcia, F-16090, a moment after said action.*
- A #2): *Yes, Inmate Garcia, F-16090, attacked me with the left hand or the right hand? ~~in a hall with~~ in a hall with ~~arm in~~ arm in ~~with~~ arm proceeded to cut my throat left side, left side of face, ear and back of head!*
- Q #3): "Where you able to see if you were attacked with the left hand or the right hand?" *Yes, Inmate Garcia, F-16090, first attacked me from ~~behind~~ behind me*
- A #3): *Yes, Inmate Garcia, F-16090, first attacked me from ~~behind~~ behind me*
- Q #4): "Do you have anybody in the yard other than Mr. Garcia, F-16090, who does not like you?" *No, just other element; whom are Homboy: to Garcia, F-16090, if possible, they're working with Garcia, F-16090!*
- A #4): *No, just other element; whom are Homboy: to Garcia, F-16090, if possible, they're working with Garcia, F-16090!*
- Q #5): "Was there any witnesses at the time of the attack?" *Only one, who was in front of me talking with me, his nickname "Cuba", he lives in D-yard / Cell 134!*
- A #5): *Only one, who was in front of me talking with me, his nickname "Cuba", he lives in D-yard / Cell 134!*
- Q #6): "Did GARCIA, F-16090, ever threaten you in any way if so why was it not reported to staff?" *In, on April 12, 2007, another Inmate, a friend of Garcia, F-16090, nickname "Jugie" He, lives in D-yard, cell 118 / Building 3, he told me if I did didn't send the photo's, some- problem, would happen to me!*
- A #6): *In, on April 12, 2007, another Inmate, a friend of Garcia, F-16090, nickname "Jugie" He, lives in D-yard, cell 118 / Building 3, he told me if I did didn't send the photo's, some- problem, would happen to me!*
- Q #7): "Was there ever any kind of illegal transaction between you and Mr. GARCIA, F-16090, money for instance?" *Just legal / but, he'd asked to receive money from his family, because, he didn't want to pay medical restitution concerning his own case. I didn't expect it and he took dislike to me, threat.*
- A #7): *Just legal / but, he'd asked to receive money from his family, because, he didn't want to pay medical restitution concerning his own case. I didn't expect it and he took dislike to me, threat.*
- Q #8): "Have you ever been convicted of a felony if so, explain the offence?" *It is possible you might have enemies because of that crime?" N/A*
- A #8): *It is possible you might have enemies because of that crime?" N/A*
- Q #9): "Where you ever housed with Inmate GARCIA, F-16090?" *Yes, in yard 2 / Building 3 / Cell 140, I was lower bunk / for about 2 weeks.*
- A #9): *Yes, in yard 2 / Building 3 / Cell 140, I was lower bunk / for about 2 weeks.*
- Q #10): "Did you ever have a physical problem with Inmate GARCIA, F-16090, while housed with him?" *Nothing move / physical*
- A #10): *Nothing move / physical*
- Q #11): "How long where you housed with Inmate GARCIA, F-16090?" *Same as above.*
- A #11): *Same as above.*
- Q #12): "Did you ever file an incompatible move in your stay with Inmate GARCIA, F-16090?" *No, never!*
- A #12): *No, never!*

SIGNATURE OF WRITER R. DOMINGUEZ, Correctional Officer		DATE	
GIVEN BY: (Staff's Signature)		DATE SIGNED	TIME

☐ COPY OF CDC 115 GIVEN TO INMATE

Correction to question #3), of witness #9 statement,
concerning Garcia, F-16090, Request in answer to; of
Witness/Victim; Ruiz, T-48606

Question #3): Where you ~~able~~ able to see if
you were attacked with the left hand or the right-
hand?

Answer: "yes", the inmate Garcia, F-16090, first
attacked me from behind in a hold with his right
arm/hand, and with his left arm/hand proceeded to cut
my throat left side, left side of face, ear and back of
head!!

Correction done by me;

Leonardo Ruiz/T48606.

06-22-07.

CALIFORNIA DEPARTMENT OF CORRECTIONS

CALIPATRIA STATE PRISON

INMATE TRUST ACCOUNTING SYSTEM

INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: MAR. 01, 2007 THRU APR. 11, 2007

ACCOUNT NUMBER : T48606

BED/CELL NUMBER: FD0300000000117L

ACCOUNT NAME : RUIZ, LEONARDO MENDEZ

ACCOUNT TYPE: I

PRIVILEGE GROUP: B

TRUST ACCOUNT ACTIVITY

DATE	TRAN CODE	DESCRIPTION	COMMENT	CHECK NUM	DEPOSITS	WITHDRAWALS	BALANCE
03/01/2007		BEGINNING BALANCE					25.00
03/16/2007	W401	DONATION-ALCO D3	4977			22.00	3.00
04/09/2007	FC04	DRAW-FAC 4	D-3/605475			3.00	0.00

TRUST ACCOUNT SUMMARY

BEGINNING BALANCE	TOTAL DEPOSITS	TOTAL WITHDRAWALS	CURRENT BALANCE	HOLDS BALANCE	TRANSACTIONS TO BE POSTED
25.00	0.00	25.00	0.00	0.00	0.00
					CURRENT AVAILABLE BALANCE
					0.00

Handwritten: 02-1922

(7)

EXHIBIT

"C"

ATTACHMENT SUPPLEMENTAL
DOCUMENTS WITH SUBSTANTIAL ON
FACT, EVIDENCE AND AUTHORITIES
ON APPEAL MOTIONS

EXHIBIT

"C"

SOUTHERN DISTRICT OF CALIFORNIA. -

OFFICE OF THE CLERK

880 FRONT STREET, SUITE 4290

SAN DIEGO, CALIFORNIA- 92101-8900

LEONARDO RUIZ MENDEZ
T48606 - PETITIONER
VS-

CIVIL CASE #307-CV-2299

ID #1106146653; 1/15/2008

L. E. SCRIBNER WARREN OF C.S.P.

DATE 01/15/2008 AND
B-05-2008. -

ON THIS TIME YOUR HONOR THAT: THE INMATE
BY THE NAME LEONARDO RUIZ MENDEZ T48606
MAY ADDRESSED TO THE UNITED STATE DISTRICT
COURT THAT: I WOULD LIKE TO APPEL TO THE -
DISCREPANCY ORDER BY OF HONORABLE JUDGE DANA
M. SABRAW OF THE REJECTING DOCUMENT: MOTION FOR
(IFP) FROM PLAINTIFF LEONARDO RUIZ MENDEZ, T48606
AT 1-15-2008; FOR THAT: ON OCTOBER 15/2007 THE
INMATE LEONARDO RUIZ MENDEZ T48606, HE SEND TO
THE TRUST ACCOUNT OFFICE OF THE PLEASANT VALLEY
STATE PRISION, DUE TO (CDC) POLICES DECLARATION
IN SUPORT OF REQUEST TO PROCEED IN FORMA PAUPE
RIS, FOR CERTIFIED FINANCIAL STATEMENT FOR THE
COURT, DUE TO (CDC) POLICES THE TRUST STATEMENT
THEY WILL BE SENT DIRECTLY TO YOUR OFFICES, THUS
IT WILL NOT BE ATTACHED AS THE INSTRUCTIONS -
IN THE LEGAL PAPER THE INMATE LEONARDO RUIZ SEND
TO THE COURT AT 11-29-2007. -

100-10-1-0F1
GO TO PAGE # (2)

II

ON THIS TIME YOUR HONOR THAT: THE INMATE LEONARDO
 1 RUIZ MENDEZ T48606 HE WOULD LIKE ADDRESSES TO THE
 2 COURT THAT: THE APPEAL ARGUMENT'S VS. TO THE NE-
 3 GATIVE DECISION TO THE EXHIBIT CIVIL CASE ON -
 4 CAUNT NUMBE ONE, (B), COUNT No. TWO (C) AND
 5 COUNT No. ^{THIRD} ~~THIRD~~ (D) - FOR REJECTING MOTION BY
 6 THE ORDER OF HONORABLE JUDGE DANA M. -
 7 SABBRAW. - FOR THE (IEP). - PLAINTIFF LEONARDO
 8 RUIZ MENDEZ T48606. VS. HONORABLE L. E -
 9 SCRIBNER WARREN OF THE CALIPATRIA STATE PRISON,
 10 AND W. J PRICE WARREN C. S. P. ASISTEN. (A). -
 11 J. MUDRA CC. II.

III

APPEALS ARGUMENTS:

FOR UNKNOWING RAZON, THE LIBRARY OFFICE
 14 ALL THE TIME WAS DENIED OF THE LAW LIBRARY
 15 VENEFIT ^{TO} OF THE INMATE LEONARDO RUIZ MENDEZ
 16 REQUIRED, THAT SERVICES. BUT THUS FAR NOT
 17 MATERIALIZED; SPECIFY ON ARTICLE (3) LIBRARY -
 18 3120. - INMATE LIBRARY REQUIREMENTS. AND ARTICLE
 19 # 4. MAIL - 31.30 ^(a) GENERAL POLICY.

NOTE: AUTHORITY CITED: SECTION 5058
 22 PENAL COD. REFERENCE: SECTION 2600, 2601 (d), 5054,
 23 PENAL CODE PRECUNIER VS. MARTINEZ 416 U. S.
 24 396. CHAPTER # 1) PENAL COD. 115. FOR -
 25 THAT RAZON WAS CAUSING AS STONE WALL TO THE
 26 INMATE LEONARDO RUIZ MENDEZ T48606 AND WAS
 27 MISSING CIVIL CASE # 3:07-CV-2299 DMS (BLM) ID # 110614 -
 28 6653/01/15/2008. -

1 ARTICLE 131 41- CONFIDENTIAL CORRESPONDENCE

2

3 SECTION 8: LEGITIMATE LEGAL SERVICE ORGANIZATIONS
4 INCLUDING, BUT NOT LIMITED TO: THE AMERICAN CIVIL
5 LIBERTIES UNION, THE PRISON LAW OFFICE, THE
6 YOUNG LAWYERS SECTION OF THE AMERICAN BAR -
7 ASSOCIATION, AND THE NATIONAL ASSOCIATION OF CRIMI-
8 NAL DEFENSE LAWYERS.

9

10 NOTE: AUTHORITY CITED: SECTION 5058 P. C. REFERENCE!
11 SECTIONS 2600 AND 5054 P. C. IN RE JORDAN 12CA-
12 3RD 575 (1974) AND KING V. BORG, USDC-ED CASE
13 NO. CIV. S-87-0519 LKN/PAN/P.

14

15 3084.7 EXCEPTIONS TO THE REGULAR APPEALS PROCESS.

16 (A): EMERGENCY APPEAL USUAL TIME LIMITS FOR STAFF

17 RESPONSE SHALL NOT APPLY TO EMERGENCY WHICH SHALL
18 BE RESOLVED TIME THE SHORTEST PRACTICAL TIME.

19 (1) WHENEVER CIRCUMSTANCE IS A THREAT TO THE APPEAL

20 NTS SAFETY OR CAUSE OTHER SERIOUS AND IRRE-

21 PARABLE HARM THE APPEAL SHALL BE PROCESSED AS

22 AN EMERGENCY APPEAL. SUCH CIRCUMSTANCES INCLUDE,

23 BUT ARE NOT LIMITED TO:

24 (A): NEED FOR PROTECTIVE CUSTODY

25 (B) DECISION WAS MADE TO TRANSFER THE APPELANT

26 TO AN INSTITUTION HOUSING AN ENEMY.

RESPECTFULLY

DATE SUBMITTED - 3-26-2008
3-26-2008

PGH 4-4

1 LEONARDO RUIZ MENDEZ
2 T48606 D-2 - CELL 124U
3 CALIPATRIA STATE PRISON.
4 CALIPATRIA, CA, 92233.

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DICEMBER 26-2005.

TO THE H. CONSULE
"D" YARD BUILDING 2
PRESENT.

ON THIS TIME YOUR HONOR THAT I WOULD
LIKE TO KNOW, FOR WHAT REASON DENIED ALL THE
TIMES OF THE LAW LIBRARY BENEFIT, TO THE NAME
LEONARDO RUIZ MENDEZ REQUIRED THAT SERVICES,
BUT THUS FAR MATERIALIZED, SPECIFIED ON ARTI-
CLE # "3" LIBRARY -3020 (a) AND ARTICLE # "4"
MAIL 3130 GENERAL POLICY; CHAPTER # "I" PENAL
COD 115.

AUTHORITIES: CITED PENAL COD 5058, REFERENCE
SECTION 2600, 2601(d) 5054 P.C. PRECONIER VS.
MARTINEZ 416 U.S. 396.- (SEE TO CDC 602 (12-87))

RESPECTFULLY,

Leonardo Ruiz M. T48606

DATE SUBMITTED

01-06-2006

INMATE APPEALS BRANCH

1515 S Street, Sacramento, CA 95814
P.O. Box 942883
Sacramento, CA 94283-0001



December 7, 2005

Ruiz, CDC #T-48606
Calipatria State Prison
P.O. Box 5002
Calipatria, CA 92233

Re:

Dear Mr. Ruiz:

The enclosed documents are being returned to you for the following reasons:

Your concerns can be best addressed by filing a CDC Form 602, Inmate/Parolee Appeal.

Your assigned counselor, the Appeals Coordinator, or your Parole Agent can answer any questions you may have regarding the appeals process. Library staff can help you obtain any addresses you need.

A handwritten signature in dark ink, appearing to be "N. Grannis".

N. GRANNIS, Chief
Inmate Appeals Branch

SCREENED OUT AUG 25 2006

- 5 OF 5

RECEIVED CAL APPEALS JAN 11 2006

STATE OF CALIFORNIA
GA-22 (9/92)

INMATE REQUEST FOR INTERVIEW

DEPARTMENT OF CORRECTIONS

DATE 01-05-06	TO ATTE. APPEALS COORDINATOR SERV.	FROM (LAST NAME) RUIZ LEONARDO	CDC NUMBER T48606
HOUSING D-2-124	BED NUMBER UP	WORK ASSIGNMENT N/A.	JOB NUMBER FROM TO
OTHER ASSIGNMENT (SCHOOL, THERAPY, ETC.) N/A.			ASSIGNMENT HOURS FROM TO

Clearly state your reason for requesting this interview.

You will be called in for interview in the near future if the matter cannot be handled by correspondence.

I HAVE CONFIDENTIAL ARGUMENTS ON
THE
APPEAL AND DOCUMENTATION ON FACT.
THANKS FOR YOUR TIME. RESPECTFULLY
Leonardo Ruiz

Do NOT write below this line. If more space is required, write on back.

INTERVIEWED BY

DATE

JAN 20 2006

DISPOSITION

What b02 are you talking about?

6 OF 6

RECEIVED CAL APPEALS MAR 06

First Level ☐ Granted ☐ P. Granted ☒ Denied ☐ OtherE. REVIEWER'S ACTION (Complete within 15 working days): Date assigned: 1-30-06 Due Date: 3-7-06Interviewed by: J. SCHALLER*See attached*Staff Signature: [Signature]Title: A V-PDate Completed: 2-27-06Division Head Approved: [Signature]Title: Principal

Returned

Signature: [Signature]Title: [Signature]Date to Inmate: MAR 07 2006

F. If dissatisfied, explain reasons for requesting a Second-Level Review, and submit to Institution or Parole Region Appeals Coordinator within 15 days of receipt of response.

Signature: _____ Date Submitted: _____

Second Level ☐ Granted ☐ P. Granted ☐ Denied ☐ Other

G. REVIEWER'S ACTION (Complete within 10 working days): Date assigned: _____ Due Date: _____

☐ See Attached Letter

Signature: _____ Date Completed: _____

Warden/Superintendent Signature: _____ Date Returned to Inmate: _____

H. If dissatisfied, add data or reasons for requesting a Director's Level Review, and submit by mail to the third level within 15 days of receipt of response.

Signature: _____ Date Submitted: _____

For the Director's Review, submit all documents to: Director of Corrections
P.O. Box 942883
Sacramento, CA 94283-0001
Attn: Chief, Inmate Appeals

DIRECTOR'S ACTION: ☐ Granted ☐ P. Granted ☐ Denied ☐ Other☐ See Attached Letter

Date: _____

CALIPATRIA STATE PRISON
CALIPATRIA CALIFORNIA**FIRST LEVEL REVIEW
APPEAL RESPONSE**

NAME: INMATE RUIZ

CDC NO: T-48606

APPEALS LOG NUMBER: CAL-D-06-00165

INTERVIEWED BY: J. SCHALLER, Academic Vice-Principal, Law Libraries

APPEAL DECISION: DENIED

APPEAL ISSUE: LEGAL

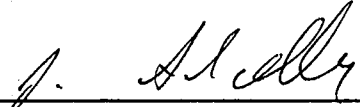
APPEAL RESPONSE: In consideration of your appeal, a review of the appeal and its attachments was conducted. The California Code of Regulations (CCR) and all applicable laws and procedures were also considered.

On February 22, 2006, I interviewed you in regards to your Legal Issue. During the interview you alleged you were not allowed to mail items from the Law Library. You cite different articles and sections, which you say we are obstructing.

You can copy documents in the Law Library under DOM 14010.21.2, and send Legal Mail to the courts or to your attorneys from the Law Library under DOM 54010.20.3 "Legal Mail." However, what you wanted to mail did not meet DOM guidelines. This is the reason the item was returned to you.

If you are indigent, you can still use the mail or copy service. If you need assistance, it is available to you through filling out the attached form from DOM 53060 (Attachment E).

Based on the above information, your appeal is Denied at the First Level of Review.



J. SCHALLER
Academic Vice-Principal
Calipatria State Prison

FEBRUARY 28, 2006
DATE



CALIFORNIA WESTERN
SCHOOL OF LAW



CALIFORNIA INNOCENCE PROJECT

Octubre 13, 2005

Mr. Leonardo Ruiz, T-48606
D-3-216L
7018 Blair Road, P.O. Box 5002
Calipatria, CA 92233

Estimado Señor Ruiz:

Gracias por su cuestionario. Para empezar el proceso de revisión, necesitamos los siguientes documentos:

- Reportes de la Policía
SOLO MANDE ESTAS COPIAS SI USTED HA ACEPTADO UN CONVENIO ENTRE USTED Y EL FISCAL
- Evidencia Física, Reportes Médicos y del Laboratorio
MANDAR COPIAS SI LAS TIENE
- Reporte de Libertad Condicional
MANDAR UNA COPIA SI LA TIENE
- Escrito Inicial a la Corte Apelativa
MANDAR COPIA
- Opinión de la Corte
MANDAR COPIA

Cuando recibamos estos documentos, su expediente será sometido a nuestra administradora de casos para una revisión preliminar. Si nuestra administradora de casos determina que existe suficiente evidencia que indica que usted es inocente de los cargos, su caso será asignado a un estudiante. Recibirá notificación de este estudiante informándole que investigará su caso mas afondo. Si su caso no califica para esta investigación, se le regresarán su documentos.

Por favor comprenda que nuestros servicios son bastante solicitados. Por favor comprenda que esta carta podrá ser la única correspondencia que usted reciba por bastante tiempo. El hecho que nosotros no lo contactemos no indica que su expediente no esté en el proceso de revisión.

Durante este proceso de revisión, usted tendrá que proceder con los pasos legales de su caso asumiendo que nosotros no estamos involucrados en su caso. Esto indica que usted tendrá que acudir a un abogado para que las fechas de radicación estén satisfechas.

Finalmente, por favor no trate de contactarnos por teléfono ni por correspondencia. Tampoco mande información adicional almenos que se lo pidamos. Su paciencia y la paciencia de sus seres queridos es agradecida. Le daremos el proceso de revisión a su caso y le notificaremos del resultado lo mas pronto posible.

Sinceramente,
California Innocence Project

OF
10-10

TO: APPEALS COORDINATOR

INMATE/PAROLEE

Location: Institution/Parole Region

Log No.

Category

APPEAL FORM

CDC 602 (12/87)

1. _____

1. _____

2. _____

2. _____

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME RUIZ	NUMBER T48606	ASSIGNMENT	UNIT/ROOM NUMBER D3-140V
---------------------	-------------------------	------------	------------------------------------

A. Describe Problem:

My Appeal (Log Number: CAL-D-06-00165) is being overdue. In order to address the legal issues previously mentioned on said Appeal, I need the Appeal processed in a timely manner. This has not occurred.

If you need more space, attach one additional sheet.

B. Action Requested:

Please provide a LOG NUMBER for this Appeal and please track CAL-D-06-00165 to determine its location and disposition. THANK YOU FOR YOUR TIME.

Inmate/Parolee Signature: **(RUIZ)**

Leonardo Ruiz Mendez

Date Submitted:

7-23-06

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____

Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____

Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number:

I HAD NOT ANY CONTESTS COPY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA.

LEONARDO RUIZ MENDEZ CDCR T48606-D-2-2232 VS. L. E. SCRIBNER, ET AL. DEFENDANT.	CASE No. 07CV2299 DMS BLM CIVIL CASE ID# 1106146653-01-15-2008 AND DATE- 03-15-2008 03/15-2008 [DOKET # 3-01-2008]
---	---

ON THIS TIME YOUR HONOR THAT ARGUMENTS AND
ATTACHMENT SUPPLEMENTAL DOCUMENTS, WITH SUBSTANTIVE
ON FACT EVIDENCE ON EXHIBIT "C" AND AUTHORITIES.

(1) IF CDC DENIES CD 602 TO GREAT A TIME LAPSE"
END^{OF} CDC 602 APPEALS PROCEDURE [UNTIMELY -
CHALLENGE) NGO V. WOODFORD 403 F3d 620 -
CAMP V. BRENNAN 219 F3d 279 [C.A.3] PA 2000.
(2) - NOT INFLEXABLE.

090 ASSOCIATES V. CITY OF TONNANCE [1974]
CAL, APP. 3d. 830,834 [112 CAL. RPTR 761]
(3) - REFUSE RESPONSE OR LOSE 602.

IN RE MUSZALSKI (1975) 52 CAL APP 500,503 -
[125 CAL RPTR 286]

(4) - INADYQUATE 124 CAL RPTR 513.

NOTABLE CASE GOMEZ V. WINGLOW, 177 F SUPP.
2d 977.

RESPECTFULLY

DATE: SUBMITTED- 03-26-2008
Leonardo Ruiz Mendez

PAGE 12 OF 12

INMATE/PAROLE APPEALS TRANSLATION

Page *31*

Case #3 Exhibit "D" January 25 or 28, 2005

Inmate Leonardo Ruiz, age sixty-nine (69) was interviewed by Lieutenant Miller, a Sergeant and an Officer who are employees of Calipatria State Prison. The Sergeant video taped the injury to the inside of the right arm of Inmate Leonardo Ruiz, having submitted the documentation relative as noted in Exhibit "D". These documents were turned in to Lieutenant A. Miller in the appropriate time according to the law. The Lieutenant informed Inmate Leonardo Ruiz that he would be scheduled at a later time, however, this interview did not occur.

I want to inform the following: In a systematic form, there has been a denial to the Legal Library and the benefits of sending legal documents to the Attorneys and representatives of Leonardo Ruiz. The name of the Attorney is J. Brooks, California Bar A-214187, with an address in San Diego, California.

Because of this situation, Inmate Leonardo Ruiz has seen himself forced to direct himself to the Chief Inmate Appeals with an office in Sacramento, California. As well, send similar documents to the District Attorney of the Supreme Court of the State of California in Los Angeles County.

Before in this process, I requested an interview (form GA-22c (9/92) to the Appeal Office, the interview was not carried out.

P. Monze
Translation by *CCII (P)*

07-14-06
Date

SCREENED OUT

AUG 25 2006

*PAG. 13 OF 13.**2*

EXHIBIT

①

NOTICE OF ELECTRONIC FILING,
MENDEZ VS. SCRIBNER
CASE # 3:07-CV-2299
AND
DISCREPANCY

EXHIBIT
①

Other Orders/Judgments

3:07-cv-02299-DMS-BLM Mendez v. Scribner et al

U.S. District Court

Southern District of California

Notice of Electronic Filing

The following transaction was entered on 3/5/2008 at 10:12 AM PST and filed on 3/5/2008

Case Name: Mendez v. Scribner et al

Case Number: 3:07-cv-2299

Filer:

WARNING: CASE CLOSED on 03/05/2008

Document Number: 7

Docket Text:

ORDER: (1) Granting Plaintiff's Motion to Proceed In Forma Pauperis, Assessing No Initial Partial Filing Fee and Garnishing \$350 Balance from Prisoner's Trust Account [3]; and (2) Sua Sponte Dismissing Complaint for Failing to State a Claim pursuant to 28 U.S.C. 1915(e)(2)(B)(ii) and 1915A(b)(1). It is Hereby Ordered Plaintiff's Motion to Proceed IFP is Granted. The Secretary of California Department of Corrections and Rehabilitation, or his designee, is ordered to collect from Plaintiff's prison trust account the \$350 balance of the filing fee owed in this case by collecting monthly payments from the trust account in an amount equal to twenty percent (20%) of the preceding month's income credited to the account and forward payments to the Clerk of the Court each time the amount in the account exceeds \$10. Plaintiff's Complaint is Dismissed without prejudice. Plaintiff is Granted forty five (45) days leave from the date this Order is "Filed" in which to file a First Amended Complaint which cures all the deficiencies of pleading. Signed by Judge Dana M. Sabraw on 3/5/08. (copy of Order sent to James Tilton; 1983 Complaint form sent to Plaintiff)(lao)

3:07-cv-2299 Notice has been electronically mailed to:

Attorney General docketingsdwt@doj.ca.gov

3:07-cv-2299 Notice has been delivered by other means to:

Leonardo Ruiz Mendez
T-48606
PO Box 8504
Coalinga, CA 93210

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1106146653 [Date=3/5/2008] [FileNumber=2456720-0]
[8e3eab3e2dfa60c8f3d71bdfc63f2d92740f8e9df623f665774d69b737352efd0d36
c21740b3e642132a5d2409db05135e9bbc43bcd58b79db40962b63d08d10]]

LEONARDO RUIZ MENDEZ

PLAINTIFF/PETITIONER/MOVANT'S NAME

P. V. STATE PRISONER T48106

PRISON NUMBER

PLEASANT VALLEY S. P.PLACE OF CONFINEMENT P.O. BOX 8504COLLINGA, CA. 93210

ADDRESS

REJECTED

**United States District Court
Southern District Of California**

Leonardo Ruiz Mendez

Plaintiff/Petitioner/Movant

IN PROPER

v.

L. E. SCRIBNER WARDEN, C.S.P.

Defendant/Respondent

Civil No.

07CV2299 DMS (BLM)

(TO BE FILLED IN BY U.S. DISTRICT COURT CLERK)

**MOTION AND DECLARATION UNDER
PENALTY OF PERJURY IN SUPPORT
OF MOTION TO PROCEED IN FORMA
PAUPERIS**

I, _____
declare that I am the Plaintiff/Petitioner/Movant in this case. In support of my request to proceed without prepayment of fees or security under 28 U.S.C. § 1915, I further declare I am unable to pay the fees of this proceeding or give security because of my poverty, and that I believe I am entitled to redress.

In further support of this application, I answer the following question under penalty of perjury:

1. Are you currently incarcerated? ☒ Yes ☐ No (If "No" go to question 2)

If "Yes," state the place of your incarceration PLEASANT VALLEY STATE PRISONER

Are you employed at the institution? ☐ Yes ☒ No

Do you receive any payment from the institution? ☐ Yes ☒ No

[Have the institution fill out the Certificate portion of this affidavit and attach a certified copy of the trust account statement from the institution of your incarceration showing at least the last six months transactions.]

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

NOTICE OF DOCUMENT DISCREPANCIES

FILED

2008 JAN 15 AM 10:34

TO: ☒ U. S. DISTRICT JUDGE / ☐ U. S. MAGISTRATE JUDGE
FROM: R. Mullin, Deputy Clerk
CASE NO.: 07cv2299 DMS (BLM) DOCUMENT FILED BY: Plaintiff
CASE TITLE: Mendez v. Scribner, et al
DOCUMENT ENTITLED: Motion for IFP

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

RECEIVED DATE: 1/14/2008

BY: Rm DEPUTY

Upon the submission of the attached document(s), the following discrepancies are noted:

<input checked="" type="checkbox"/> Local Rule	Discrepancy
<input type="checkbox"/> 5.1	Missing time and date on motion and/or supporting documentation
<input type="checkbox"/> 5.3	Document illegible or submitted on thermal facsimile paper
<input type="checkbox"/> 5.4	Document not filed electronically. Notice of Noncompliance already issued.
<input type="checkbox"/> 7.1 or 47.1	Date noticed for hearing not in compliance with rules/Document(s) are not timely
<input type="checkbox"/> 7.1 or 47.1	Lacking memorandum of points and authorities in support as a separate document
<input type="checkbox"/> 7.1 or 47.1	Briefs or memoranda exceed length restrictions
<input type="checkbox"/> 7.1	Missing <u>table</u> of contents
<input type="checkbox"/> 15.1	Amended pleading not complete in itself
<input type="checkbox"/> 30.1	Depositions not accepted absent a court order
<input type="checkbox"/>	Supplemental documents require court order
<input type="checkbox"/>	Default Judgment in sum certain includes calculated interest
X	<u>OTHER: Motion already on file (Docket #3).</u>

Date forwarded: 1/14/2008

ORDER OF THE JUDGE / MAGISTRATE JUDGE

IT IS HEREBY ORDERED:

- ☐ The document is to be filed nunc pro tunc to date received.
- ☒ The document is NOT to be filed, but instead REJECTED, and it is ORDERED that the Clerk serve a copy of this order on all parties.
- Rejected document to be returned to pro se or inmate? ☐ Yes. Court Copy retained by chambers ☐

Counsel is advised that any further failure to comply with the Local Rules may lead to penalties pursuant to Local Rule 83.1

CHAMBERS OF: Judge Sabraw

Dated: 1/15/08
cc: All Parties

By: EPB/BSL